

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q80471

Jan VOGELEER, et al.

Appln. No.: 10/798,321

Group Art Unit: 1732

Confirmation No.: 6143

Examiner: Jeffrey Michael Wollschlager

Filed: March 12, 2004

For: A METHOD FOR CONTROLLING A ROTARY TABLET PRESS AND SUCH A  
PRESS

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction Requirement, dated March 6, 2007. In response to the Restriction Requirement, Applicant elects Group I, claims 1-16, drawn to a method for controlling a tablet press, classified in class 264, subclass 40.1. This election is made with traverse.

MPEP § 803 provides that if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits. In the Office Action, the examiner indicates that the claims of Groups I and II are classified in separate classes. Notwithstanding the manner in which subject matter may be classified in the USPTO for search purposes, which in any event is not determinative of dependent and distinct inventions within the Statute or the Rules, the claims of Groups I and II are so inextricably interrelated that either group of claims cannot be comprehensively examined without also searching those areas in which the other group is classified.

Response to Restriction Requirement  
Serial No.: 10/798,321  
SUGHRUE MION, PLLC Ref: Q80471

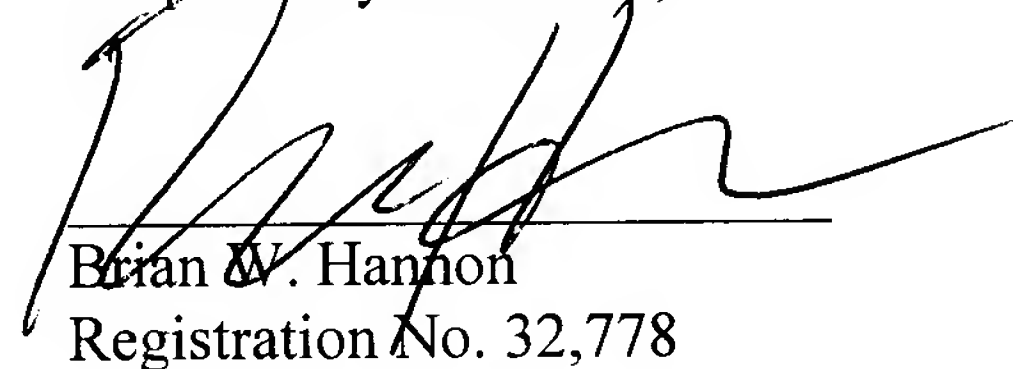
Moreover, while acquiescence in a restriction requirement and the attendant filing of a Divisional application surely represents the "path of least resistance", the cumulative government filing, issue and maintenance fees alone involved in pursuing such course of action currently totals well in excess of \$10,000, which seems a high price indeed to spare the examiner from whatever additional search may be necessary.

In view of the foregoing, Applicant requests that the requirement be withdrawn upon reconsideration.

Applicant reserves the right to file a Divisional Application directed to non-elected claims 17-33.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Brian W. Hannon  
Registration No. 32,778

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: May 7, 2007